

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: RUBENSTEIN=9A

In re Application of:)	Confirmation No.: 2392
)	
Israel RUBINSTEIN et al.)	Art Unit: 4172
)	
Appln. No.: 10/542,789)	Examiner: Joel G. HORNING
INT'L NO: PCT/IL04/000061)	
)	
Filing Date: July 20, 2005)	June 19, 2008
371(c) Date: January 22, 2004)	
)	
For: NOVEL STRUCTURE AND)	
METHOD OF PREPARATION)	

REPLY TO RESTRICTION AND ELECTION REQUIREMENT

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Amendment
Randolph Building, 401 Dulany Street
Alexandria, VA 22314

Sir:

Applicants are in receipt of the Office Action mailed May 19, 2008, in the nature of a restriction requirement purportedly on the basis of lack of unity of invention.

First, restriction has been required among what the PTO considers as being five (5) separate inventions. As applicants must make an election even though the requirement is traversed, applicants hereby respectfully and provisionally elect Group I, directed to a method for preparing a

nanoparticle based structure, and presently comprising claims 1-23, 25-27, 32 and 33, with traverse and without prejudice.

Applicants respectfully submit that the inventions do relate to a single general inventive concept under PCT Rule 13.1 because they share the same or corresponding special technical feature or features under PCT Rule 13.2, namely the nature of the nanoparticle based structure which is the result of the Group I claims and which corresponds to the product of the other groups which all recite generically common subject matter, but with claims of different scope.

Applicants do not see that the Braunstein reference relied upon actually destroys unity of invention, because the common subject matter involves more than anything disclosed by Braunstein.

Withdrawal of the requirement is respectfully requested.

Paragraph 3 on page 3 of the Office Action correctly states that an oral requirement was made, but did not result in an oral election. The oral requirement included a request for an oral election of species between (A) nanotubes in the

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membrane and (B) tubes removed, but the Office Action does **not** include such a requirement.

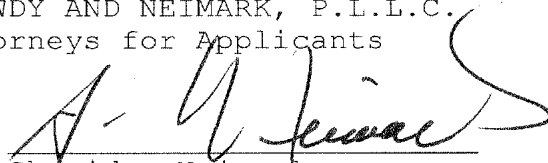
In the interest of advancing prosecution in the event that such an election of species were to be made in the future, applicants respectfully and provisionally advise that they would elect species A directed to the method wherein nanotubes remain in the membrane, with traverse and without prejudice. Applicants submit that the method claims basically differ in scope and most are generic, whereby and election of species requirement would not be warranted.

Applicants now respectfully await results of a first examination on the merits.

Respectfully submitted,

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